



COMPTROLLER GENERAL OF THE UNITED STATES
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June 24, 1959

Honorable Allen W. Dulles
Director, Central Intelligence Agency

Dear Mr. Dulles:

This refers to your Deputy Comptroller's letter of June 17, 1959, concerning certain questions arising under Executive Order No. 10825, dated June 12, 1959, designed to excuse employees from duty on Friday, July 3, 1959.

Section 2(b) of the order provides in part as follows:

"This order shall not apply to (i) any employee who receives holiday or premium pay or compensatory time in lieu thereof, for work performed on Saturday, July 4, 1959, or any part thereof * * *."

The several questions presented will be quoted and answered in the order presented.

Q. "Is an employee whose regular tour of duty is Monday through Friday and who is required to perform duty on Saturday, 4 July, entitled to overtime compensation for such services on Saturday in addition to being excused on Friday, 3 July, and if he is entitled to overtime compensation for Saturday should he be charged for leave for absence on Friday?" (Under-scoring supplied.)

A. Two situations are implicit in this question. The Executive order does not apply to employees who work and receive premium pay on Saturday, July 4. Therefore, if an employee, as a result of earlier administrative planning, works and receives premium pay for Saturday, July 4, he is to be charged leave for absence on Friday, July 3. If, however, he is absent from duty on July 3 because of his being excused but is notified late Friday that he is to work on Saturday, July 4, he need not be charged leave for July 3, notwithstanding that he is entitled to and receives premium overtime pay for work on Saturday, July 4.

Q. "Is an employee who is on annual or sick leave on the workday immediately preceding or following 3 July entitled to be excused for 3 July without charge to either sick or annual leave for that day?"

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A. The question is answered in the affirmative; this for the reason that July 3, 1959, is construed to be a nonwork day established by Executive Order within the purview of section 205 of the Annual and Sick Leave Act of 1951.

Q. "When computing lump sum leave payments for employees who are resigning from the Agency based upon resignations signed (a) before 12 June 1959 and (b) on or after 12 June:

"(1) Will 3 July 1959 be treated as a 'holiday' for pay purposes and extend by one day the period of annual leave to the employee's credit?

"(2) For purposes of computing the final salary payments of those employees who resign effective 3 July 1959 and are exit-processed on 2 July 1959, will such employees be considered in pay status for 3 July and thus entitled to compensation even though excused on such day?"

A. If we correctly understand that the dates of signing resignations are synonymous with dates of separation, then only those employees who separate on or after June 12, 1959, and whose lump sum leave carries them beyond the excused day are entitled to pay for July 3 without charge to annual leave. See 26 Comp. Gen. 102. July 3, 1959, will not be treated as a holiday for pay purposes but rather as a nonwork-day for the purpose of computing the lump sum payment in lieu of leave for such persons. Question (1) is answered accordingly.

We understand question (2) to relate to an employee whose resignation takes effect at close of business July 3, 1959, and if that understanding be correct, he will be entitled to compensation even though excused on that day.

A copy of this letter is being sent to the Civil Service Commission which is preparing a Departmental Circular letter concerning Executive Order No. 10825.

Sincerely yours,



Comptroller General
of the United States